

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KYLE L. CAMPANELLI,

Plaintiff,

v.

IMAGE FIRST HEALTHCARE
LAUNDRY SPECIALISTS, INC., et al.,

Defendants.

Case No. 15-cv-04456-PJH

**ORDER RE EPIC SYSTEMS CORP. V.
LEWIS**

Re: Dkt. No. 105

The court is in receipt of the parties' joint notice regarding the U.S. Supreme Court's decision in Epic Systems Corp. v. Lewis, No. 16-285. That notice does not indicate what the parties believe to be the appropriate next steps in this litigation.

In its July 10, 2017 order, the court found that a partial stay was appropriate "because two preliminary legal issues [needed to] be resolved before the propriety of class/collective certification c[ould] be determined." Dkt. 88 at 6, see also Dkt. 88 at 5-9. Specifically, "(1) whether the employees of non-party ImageFIRST entities are properly part of the putative class; and (2) whether the alleged arbitration agreements are enforceable, and if so, how many putative class members have signed concerted action waivers." Dkt. 88 at 6.

The court partially resolved the former issue in its February 16, 2018 order on defendants' motion for summary judgment. Dkt. 98.

As to the latter issue, in the event that the Supreme Court overturned the Ninth Circuit's decision in Morris v. Ernst & Young, LLP, 834 F.3d 975 (9th Cir. 2016)—which is exactly what happened—the court's July 2017 order contemplated defendant filing a

1 second summary judgment motion addressing whether certain putative class members
2 are precluded by contract from participating in the class/collective action. Id. at 7.
3 Accordingly, within 14 days of this order the parties shall submit a stipulated briefing
4 schedule for defendants' motion for summary judgment as to that issue. If necessary to
5 support that motion, defendants may submit the signed agreements in camera for
6 inspection by the court.

7 However, if after reviewing the Supreme Court's decision in Epic and meeting and
8 conferring, the parties believe that a summary judgment motion on the above issue is
9 unnecessary, the parties shall instead file a joint status statement within 14 days of this
10 order. The joint status statement must include either jointly proposed next steps or the
11 parties' competing proposals.

12 **IT IS SO ORDERED.**

13 Dated: May 29, 2018



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15 PHYLLIS J. HAMILTON
16 United States District Judge
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